

Sep 28, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

YUKI LEE, in her capacity as personal
representative of the Estate of her
deceased husband, JOOCHAN LEE,
individually and Decedent's surviving
wife, and in her capacity as Guardian of
their minor daughter, A.L. both as
beneficiaries and heirs of Decedent's
estate,

Plaintiffs,

v.

THE MOODY BIBLE INSTITUTE OF
CHICAGO, an Illinois corporation,
Defendant.

No. 2:19-CV-00326-SAB

**FIFTH AMENDED JURY TRIAL
SCHEDULING ORDER**

**JURY TRIAL SCHEDULED FOR
JANUARY 17, 2023**

Before the Court is the parties' Stipulated Motion and Order to Extend Case Deadlines and Continue Trial, ECF No 26. The Court held a telephonic hearing on the motion on September 28, 2021. Plaintiffs was represented by Crystal Lloyd, on behalf of Anthony Marsh. Defendant was represented by Christopher Raistrick, Nicholas Ajello, and William Schroeder—Christopher Raistrick presented arguments on behalf of Defendant.

FIFTH AMENDED JURY TRIAL SCHEDULING ORDER # 1

1 During the hearing, the parties discussed the request for a continuance. The
2 parties indicated that, due to a delay in the inspection of the plane, the overall
3 discovery process was delayed. However, the parties indicated that the inspection
4 of the plane took place in April 2021 and that discovery is now proceeding
5 smoothly. Thus, the Court finds good cause to grant the stipulated motion.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 1. The parties' Stipulated Motion and Order to Extend Case Deadlines
8 and Continue Trial, ECF No 26, is **GRANTED**.

9 2. The Court enters the following Fifth Amended Jury Trial Scheduling
10 Order:

11 **PROFESSIONALISM AND COURT-ASSISTED MEDIATION**

12 **1. Civility and Professional Conduct.** Counsel should review and employ Local
13 Rule 83.1 (Civility) and Washington Rule of Professional Conduct 3.4 (Fairness to
14 Opposing Party and Counsel).

15 **2. Scheduling Order is Binding.** Rule 16(f) of the Federal Rules of Civil
16 Procedure provides for sanctions for failure to obey the Scheduling Order. The
17 Court will usually accept stipulations to modify the dates specified in this Order,
18 but modifications of pretrial deadlines may also result in a modification of the trial
19 date.

20 **3. Settlement Conference/Mediation.** The parties are encouraged to engage in
21 settlement negotiations as early as possible and should contact the Court if they
22 believe a settlement conference would be helpful. The Court will require parties to
23 engage in mediation prior to trial, unless good cause is shown that mediation is not
24 possible or will be unproductive.

25 **TRIAL DATES**

26 **4. Jury Trial.** The jury trial shall commence on **January 17, 2023**, at **9:00 a.m.** in
27 **Spokane**, Washington. The trial is estimated to last **eight (8) to ten (10)** days.

1 **5. Pretrial Conference.** An in-person pretrial conference will be held on **January**
2 **5, 2023**, at **11:00 a.m.** in **Spokane**, Washington.

3 **DISCOVERY DEADLINES**

4 **6. Expert Disclosures.**

5 *A. Initial Expert Disclosures.* Plaintiffs shall identify their experts and serve
6 written reports as required by Rule 26(a)(2) no later than **January 5, 2022**.

7 Defendant shall identify its experts and serve written reports as required by Rule
8 26(a)(2) no later than **April 5, 2022**. Each Party shall also provide dates for which
9 those experts can be available for deposition.

10 *B. Rebuttal Expert Disclosures.* Each Party shall identify its rebuttal experts
11 and serve written reports as required by Rule 26(a)(2) on all other parties no later
12 than **May 5, 2022**. Each Party shall also provide dates for which those experts can
13 be available for deposition.

14 *C. Modifications.* The parties may modify the deadline for exchange of
15 expert disclosures by joint stipulation filed with the court; a motion is not required.

16 **7. Discovery.**

17 *A. Discovery Limitations.*

18 *i. Depositions.* No more than ten depositions, each limited to seven
19 hours in one day, may be taken by the plaintiffs, defendants, or third-party
20 defendants without leave of the Court. Fed. R. Civ. P. 30(a)(2), (d)(1).

21 *ii. Interrogatories.* No party may serve more than twenty-five
22 interrogatories, including discrete subparts, on any other party, without leave of the
23 Court. Fed. R. Civ. P. 33(a)(1).

24 *iii. Requests for Production.* No party may serve more than thirty
25 requests on any other party without leave of the Court.

26 *B. Discovery Deadline.* All discovery shall be completed on or before
27 **August 2, 2022**.

1 C. *Responses*. To be timely, discovery requests must be served sufficiently
2 in advance of the deadline to allow for timely response by the cutoff date.

3 D. *Necessity*. The parties shall file no discovery except as necessary to
4 support motions or objections.

5 E. *Discovery Conferences*. To avoid wasted time and expense, Counsel may
6 contact chambers to schedule a telephonic conference to obtain an expedited ruling
7 on discovery disputes. Prior to the conference, each party may submit to the Court
8 a one-page summary explaining the discovery dispute. Absent very unusual
9 circumstances, the parties should not contact the Court during a deposition.
10 Instead, during a deposition, the parties should make an appropriate record for
11 review by the Court at a later time.

12 MOTION DEADLINES

13 **8. Motions to Amend Pleadings or Add Parties.** Any motion to amend the
14 pleadings or add named parties shall be filed and served by **May 26, 2022**.

15 **9. *Daubert* Motion Deadline.** Challenges to the admissibility of expert opinion
16 testimony shall be made by written motion and filed by **June 16, 2022**. If the party
17 challenging expert testimony anticipates that an evidentiary hearing shall be
18 required, the party shall so advise the Court and opposing counsel in conjunction
19 with the filing of its motions.

20 **10. Dispositive Motions.** All dispositive motions shall be filed and served on or
21 before **August 12, 2022**.

22 **11. Motions *in Limine*.**

23 A. *Motions in Limine*: shall be filed and served on or before **November 4,**
24 **2022**.

25 B. *Responses*: shall be filed and served on or before **November 10, 2022**.

26 C. *Replies*: shall be filed and served on or before **November 18, 2022**.

27 D. *Notation*: Motions *in limine* shall be noted for hearing at the pretrial
28 conference.

1 **TRIAL PREPARATION DEADLINES**

2 **12. Exhibit and Witness Lists.**

3 *A. Exhibit Lists and Witness Lists:* shall be filed and served and exhibits
4 made available for inspection (or copies provided), on or before **December 2,**
5 **2022.**

6 *B. Identification:* The witness list shall include identification of each
7 witness's testimony.

8 *C. Notation of Exhibits:* Where feasible, all exhibits identified in depositions
9 shall be pre-marked with the exhibit numbers that will be used at trial. Plaintiff's
10 trial exhibits are to be numbered 1 through 199; Defendant's exhibits are to be
11 numbered 200 and following.

12 *D. Objections:* Objections to the opposing party's witness list or exhibit list
13 and any accompanying briefs shall be filed and served on or before **December 9,**
14 **2022.**

15 *E. Responses:* Responses, if any, to objections shall be filed and served on or
16 before **December 16, 2022.**

17 **13. Pretrial Exhibit Stipulation.**

18 *A. Stipulation:* The parties shall prepare a pretrial exhibit stipulation that
19 shall contain each party's numbered list of all trial exhibits with the opposing
20 party's objections to each exhibit, including the basis of the objection and the
21 offering party's brief response. All exhibits to which there is no objection shall be
22 deemed admitted, subject to any objections at trial that could not be raised in
23 advance.

24 *B. Deadline:* The pretrial exhibit stipulation shall be filed on **December 16,**
25 **2022.**

26 *C. Objections to witness and exhibits* shall be heard at the pretrial
27 conference.

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1 **14. Designation of Testimony.**

2 The parties shall notify the Court on or before **November 4, 2022** whether
3 deposition testimony will be used at trial. The Court will then schedule a hearing to
4 review all designated testimony and objections so that a final edited version of the
5 deposition testimony can be prepared for trial.

6 **15. Pretrial Order.**

7 A. *Deadline:* A joint Pretrial Order, prepared in accordance with the format
8 provided in Local Rule 16.1(b), shall be filed on or before **December 16, 2022** and
9 a copy e-mailed in Word format to the Court at bastianorders@waed.uscourts.gov.

10 B. *Consistency:* The list of exhibits contained in the joint Pretrial Order shall
11 reflect the exhibit marking scheme described above in paragraph 10(A).

12 C. *Duplicative Exhibits:* In preparing the joint Pretrial Order, the parties
13 shall confer regarding duplicate exhibits and determine which party will submit
14 such exhibits for trial.

15 **16. Trial Briefs and Proposed Voir Dire.** Trial briefs and voir dire shall be filed
16 by **December 13, 2022**.

17 **17. Jury Instructions.** No later than **December 13, 2022**, the parties shall file
18 jointly proposed jury instructions.

19 A. *Confer.* The parties shall confer regarding jury instructions and file
20 jointly proposed jury instructions and a table of proposed Jury Instructions. The
21 jointly proposed Jury Instructions should address only issues that are unique to this
22 case and shall include instructions regarding the elements of each claim, any
23 necessary definitions, and a proposed verdict form.

24 B. *Modifications.* If any proposed instruction is a modified version of model
25 instructions or deviate from model instructions, the parties shall identify the
26 modification and cite legal authority for the modification.

27 **18. Submissions on the First Day of Trial.** The Court requires that the following
28 be submitted to the courtroom deputy clerk on the first day of trial:

A. *Exhibits.* Exhibits for presentation at the trial in tabbed binders indexed by exhibit number with exhibit tags placed consistently on the bottom right corner of each exhibit. Counsel shall submit to the Court an original binder and two copied binders of their exhibits together with three discs or flash drives containing the same.

B. *Exhibit List.* One copy of a final joint exhibit list.

C. *Witness List*. One copy of witness lists in the order in which the witnesses are expected to be called to testify.

MODIFICATIONS

19. Good Cause. Pursuant to Rule 16 of the Federal Rules of Civil Procedure, this schedule shall not be modified unless the Court finds good cause to grant leave for modifications.

IT IS SO ORDERED. The District Court Clerk is hereby directed to enter this Order and to provide copies to counsel.

DATED this 28th day of September 2021.



Stanley A. Sestran

Stanley A. Bastian
Chief United States District Judge